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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,172

06/04/2007

Stefan Geoffrey Butlin

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QUALCOMM INCORPORATED
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EXAMINER

VU, THANH T

ART UNIT

PAPER NUMBER

2175

NOTIFICATION DATE

DELIVERY MODE

02/01/2012

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

Office Action Summary	Application No.	Applicant(s)	
	10/598,172	BUTLIN ET AL.	
	Examiner	Art Unit	
	THANH VU	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 21-52 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☐ Claim(s) ____ is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/29/2010 has been entered.

This communication is responsive to Amendment, filed 03/29/2010.

Claims 21-52 are pending in this application. In the Amendment, claims 1-20 were cancelled, claims 21-52 were added.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

There are 2 claims that are numbered 25. The 2nd claim 25 is renumbered to claim 26.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 45-52 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The specification fails to provide a clear definition for a machine-readable medium. Given the broadest interpretation of a machine-readable medium,

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ordinary and customary meaning of a machine-readable medium covers transitory propagating signals per se. Therefore, a machine-readable medium can be drawn to cover forms of non-transitory media and transitory propagating signal.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-25, 27-33, 35-41, 43-49, and 51-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Novak et al. ("Novak", US 7,543,235).

Per claim 21, Novak teaches a method of rendering user interface elements on a display, the method comprising:

defining an archive file hierarchy, wherein the archive file hierarchy includes a plurality of archive files and each of the plurality of archive files has a position in the archive file hierarchy in a range between a highest position and a lowest position (fig. 4; col. 6, lines 43-54; col. 7, lines 20-42; col. 9, lines 34-45; col. 10, lines 33-38; col. 15, lines 55-67);

storing one or more user interface elements in each of the plurality of archive files (col. 7, lines 1-12); and

rendering each of the one or more user interface elements based on the position of a respective archive file in which each of the one or more user elements is stored (fig. 4; col. 7, line 49-58; col. 9, lines 34-45; col. 10, lines 33-38; col. 15, lines 55-67).

Per claim 22, Novak teaches the method of claim 21, further comprising: rendering a user interface element within an archive file having a highest position in the archive file hierarchy to appear in a display (col. 7, lines 20-42).

Per claim 23, Novak teaches the method of claim 22, further comprising: giving a user interface element within an archive file having a highest position in the archive file hierarchy preference to pixels in the display over any other user interface element having a lower position in the archive file hierarchy that attempts to use the pixels (col. 8, lines 22-28; col. 7, lines 15-19; col. 9, lines 34-45; col. 10, lines 33-38 col, 16, lines 29-37).

Per claim 24, Novak teaches the method of claim 21, wherein the one or more user interface elements are defined by a mobile network operator, a device manufacturer, a trig, a user, or a combination thereof (col. 1, lines 30-40; col. 6, lines 16-42).

Per claim 25, Novak teaches the method of claim 24, wherein the one or more user interface elements are prioritized in the following order from highest to lowest: mobile network operator defined user interface elements, device manufacturer defined user interface elements, trig defined user interface elements, and user defined user interface elements (col. 1, lines 30-40; col. 6, lines 16-42; col. 10, lines 28-37; which show various entities can define different skins and a user can prioritize the skin based on user's need).

Per claim 27, Novak teaches the method of claim 21, further comprising:
defining an obscuring element in one or more archive files, wherein the obscuring element is configured to mask a user interface element that occupies a common region of a display as the obscuring element and is stored within an archive file having a lower position in the archive file

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hierarchy than an archive file in which the obscuring element is located (col. 7, lines 15-67; col. 9, lines 34-45; col. 10, lines 33-38; col. 15, lines 55-65).

Per claim 28, Novak teaches the method of claim 27, further comprising:
refusing to fetch a user element to be masked from an archive file having a lower position in the archive file hierarchy when an obscuring element in an archive file having a higher position in the archive file hierarchy is to be rendered and occupies a common region of the display as the user element to be masked (col. 7, lines 15-67; col. 9, lines 34-45; col. 10, lines 33-38; col. 15, lines 55-65).

Claims 29-33 and 35-36 are rejected under the same rationale as claims 21-25 and 27-28 respectively.

Claims 37-41 and 43-44 are rejected under the same rationale as claims 21-25 and 27-28 respectively.

Claims 45-49 and 51-52 are rejected under the same rationale as claims 21-25 and 27-28 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26, 34, 42, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al. ("Novak", US 7,543,235) and Olander et al. ("Olander et al.", US 2005/0108648).

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Per claim 26, Novak teaches the method of claim 21, further comprising:
defining an element in one or more archive files, wherein the element defines one or more attributes for text used in a title to be rendered at a display; and displaying text associated with an element having a highest position in the archive file hierarchy unless an archive file not associated with an element and having a higher position than the element includes an instruction to ignore any windowtitle.txt elements associated with lower archive files masked (col. 6, lines 43-54; col. 7, lines 15-67; col. 9, lines 1-3 and lines 34-45; col. 10, lines 33-38; col. 15, lines 55-65, which rendering elements based on z-ordering as specified in the skin definition; and the skin has different files can define text elements). Novak does not teach the element is windowtitle.txt element that defines one or more attributes for text used in a tile of a window to be rendered at a display. However, Olander teaches an element that defines one or more attributes for text used in a tile of a window to be rendered at a display (Claim 1 and 9). In addition, it is well known in the art that one of the skin files of Novak can be named windowtitle.txt to provide text descriptions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a windowtitle.txt element and text element for title of a window as taught by Olander in the invention of Novak in order to provide attributes that define the look and feel of a graphical user interface.

Claim 34 is rejected under the same rationale as claim 26.

Claim 42 is rejected under the same rationale as claim 26.

Claim 50 is rejected under the same rationale as claim 26.

Response to Arguments

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Applicant's arguments with respect to the amendment have been considered but are moot in view of the new rejection.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00AM - 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh T. Vu/
Primary Examiner, Art Unit 2175